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Apple Inc.

9  
10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN JOSE DIVISION**  
13

14 IN RE HIGH-TECH EMPLOYEE  
ANTITRUST LITIGATION

Master Docket No. 11-CV-2509-LHK

**DEFENDANT APPLE INC.'S RESPONSES  
TO PLAINTIFFS' FIRST SET OF  
INTERROGATORIES RE:  
IDENTIFICATION OF WITNESSES**

15  
16 THIS DOCUMENT RELATES TO:  
17 ALL ACTIONS  
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20 PROPOUNDING PARTY: PLAINTIFFS

21 RESPONDING PARTY: DEFENDANT APPLE INC.

22 SET NUMBER: SET ONE, INTERROGATORIES NO. 1-14  
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Pursuant to Federal Rules of Civil Procedure 26 and 33, Defendant Apple Inc. ("Apple") responds as follows to Plaintiffs' First Set of Interrogatories re: Identification of Witnesses.

**GENERAL OBJECTIONS**

Apple makes the following general objections whether or not separately set forth in response to each interrogatory and each and every instruction and definition by Plaintiffs:

1. Apple's responses to these interrogatories are based on the information presently available to it and upon its investigation to this date. Discovery is ongoing, and Apple reserves the right to supplement or amend these responses and to present additional or other evidence as the matter proceeds.

2. Apple objects to each interrogatory to the extent it calls for disclosure of material or information that is subject to the attorney-client privilege, the work-product doctrine, the joint-defense privilege, grand jury, or any other applicable privilege and/or immunity recognized by the Federal Rules of Civil Procedure, federal statute, or any other applicable federal or state rule or law. To the extent that any such privileged or protected information is produced, the production will have been inadvertent and should not be deemed a waiver of any privilege or protection from production.

3. Apple objects to each interrogatory to the extent it calls for disclosure of Apple's confidential or proprietary information, trade secrets, research, development, commercial information, or any other competitively sensitive information. Apple also objects to each interrogatory to the extent that it seeks confidential or proprietary information, trade secrets, research, development, commercial information, or any other competitively sensitive information belonging to a third party but entrusted to Apple on conditions of confidentiality and non-disclosure, or joint confidential information of Apple and a third party. To the extent Apple agrees to produce Apple confidential information or other confidential information, Apple will do so only subject to the terms of the Stipulated Protective Order entered by the Court on January 24, 2012.

4. Apple objects to each interrogatory to the extent that it requires responses that would infringe upon the legitimate privacy rights of current or former employees, officers, or

1 directors of Apple, current or former affiliates, related companies, or subsidiaries, or other  
2 individuals, to the extent such privacy rights and expectations are protected by law, contract, or  
3 public policy.

4 5. Apple objects to each interrogatory to the extent it calls for disclosure of material  
5 or information beyond the scope of permissible discovery, seeks information that is not relevant  
6 to the subject matter of this lawsuit, or is not reasonably calculated to lead to the discovery of  
7 admissible evidence.

8 6. Apple objects to each interrogatory to the extent it is unnecessarily broad or  
9 unduly burdensome, and to the extent that it uses vague or ambiguous terms.

10 7. Apple objects to each interrogatory to the extent it calls for disclosure of material  
11 or information not within its possession, custody, or control.

12 8. Apple objects to each interrogatory to the extent it calls for disclosure of material  
13 or information that is already available to Plaintiffs or Plaintiffs' counsel.

14 9. Apple objects to each interrogatory to the extent that it calls for speculation,  
15 opinion, or a legal conclusion.

16 10. Apple objects to each interrogatory to the extent it is compound and, together with  
17 the other interrogatories, may exceed the number limit on interrogatories set by Federal Rule of  
18 Civil Procedure 33(a).

19 11. Apple objects to each interrogatory to the extent it seeks to impose duties or  
20 obligations on Apple exceeding the requirements of the Federal Rules of Civil Procedure or Local  
21 Rules of the Northern District of California.

22 12. Apple reserves the right to object to the relevance or admissibility of any responses  
23 to these interrogatories.

#### 24 **OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

25 1. Apple objects to Definition No. 2, defining "Agreement," as vague, ambiguous,  
26 and overly broad, and to the extent that it calls for a legal conclusion and assumes facts not in  
27 evidence. By responding to these interrogatories, Apple does not concede the existence of any  
28 agreement alleged in the Consolidated Amended Complaint or any other bilateral or multilateral

1 agreement.

2           2. Apple objects to Definition No. 5, defining “Cold-calling and “cold-call,” as  
3 vague, ambiguous, and contrary to the common meaning of these terms. Apple will interpret  
4 “cold-calling” and “cold-call” as referring to communicating directly in any manner (including,  
5 without limitation, orally, in writing, telephonically, or electronically) with a potential employee  
6 who has not applied for a job or otherwise initiated contact with the company making the cold-  
7 call.

8           3. Apple objects to Definition No. 6, defining “Co-conspirators,” as vague,  
9 ambiguous, and overly broad, and to the extent that it calls for a legal conclusion and assumes  
10 facts not in evidence. Apple will interpret “Co-conspirators” to consist of Adobe Systems Inc.,  
11 Apple Inc., Google Inc., Intel Corp., Intuit Inc., Lucasfilm Inc., and Pixar.

12           4. Apple objects to Definition No. 8, defining “Employee,” as overly broad to the  
13 extent it purports to include any “messenger,” “agent,” or other person who is not or was not an  
14 Apple employee, and to the extent it purports to include employees of any “Defendant,” “Co-  
15 Conspirator,” or any entity other than Apple.

16           5. Apple objects to Definition No. 13, defining “Subsidiary,” “affiliate,” and “joint  
17 venture,” and to Definition No. 14, defining “You,” your,” or “your company,” as overly broad to  
18 the extent they include parties and entities outside Apple’s exclusive control, such as  
19 predecessors, successors, subsidiaries, affiliates, agents, outside professionals (including but not  
20 limited to any third-party recruiting, hiring, or headhunting firm), former directors, officers,  
21 employees, or representatives, and all persons purporting to act on Apple’s behalf. Apple  
22 responds to the interrogatories based on information in its possession, custody, and control.

23           6. Apple objects to Instruction No. 1, regarding the information required to “identify”  
24 a person, on the grounds that the phrase “the years about which the person has the knowledge  
25 identified by the interrogatory” is vague and ambiguous, overly broad, and unduly burdensome,  
26 and to the extent that the instruction calls for information that would infringe upon the privacy  
27 rights of current or former employees. For each person identified in response to the  
28 interrogatories, Apple will provide the person’s name, job title from January 1, 2004 to the

present, and the manner in which the person may be contacted.

7. Apple objects to Instruction No. 2, regarding persons with “substantial knowledge” as vague and ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

8. Apple objects to Instruction No. 3, regarding the withholding of information on claim of privilege, to the extent it seeks to impose obligations on Apple exceeding the requirements of the Federal Rules of Civil Procedure or other applicable requirements.

9. Apple objects to Instructions No. 1 and No. 4 to the extent they seek information about the time period of January 1, 2003 through the present, as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Apple will respond to these interrogatories for the time period of January 1, 2004 through the present.

10. Apple objects to each definition and instruction to the extent it seeks to impose duties or obligations on Apple exceeding the requirements of the Federal Rules of Civil Procedure or Local Rules of the Northern District of California.

Each of the above general objections and objections to definitions and instructions (collectively, “General Objections”) is incorporated by reference into Apple’s specific responses below. By setting forth such specific objections, Apple does not limit or restrict the General Objections set forth above. An objection to all or part of any specific interrogatory, or a statement that Apple will produce responsive information, does not mean that information responsive to that interrogatory or part of the interrogatory exists.

## **RESPONSES TO INTERROGATORIES**

### **INTERROGATORY NO. 1**

In order of corporate seniority, identify your employees who participated in decisions regarding agreements or discussions about agreements.

### **RESPONSE TO INTERROGATORY NO. 1**

Apple incorporates by reference as if set forth herein the General Objections stated above. Apple further objects to this interrogatory as overly broad, unduly burdensome, and to the extent

it seeks information that is not relevant to the subject matter of this lawsuit or not reasonably calculated to lead to the discovery of admissible evidence. Apple further objects to the term “agreements” as vague, ambiguous, and overly broad, and to the extent that it calls for a legal conclusion and assumes facts not in evidence. Apple further objects to the phrase “in order of corporate seniority” as vague and ambiguous, and to the extent that seniority is not subject to exact ordering and may change over time.

Subject to and without waiving these specific objections and the above-stated General Objections, Apple responds by identifying the following current and former Apple employees who, based on investigation to date, may have participated in responsive decisions or discussions:

Name	Job Title(s) at Apple, from 2004 to the present	Contact Information
Tim Cook	CEO (August 2011 – present) Chief Operating Officer (2007 – August 2011) Senior VP, Worldwide Sales and Operations (2004 – 2007)	Contact through counsel for Apple Inc.
Steve Jobs	Chief Executive Officer and Director (2004 – August 2011)	
Tom Moyer	Chief Compliance Officer (2010 – present) Director, Employment Law (2007 – 2010) Director, Real Estate Law (2006 – 2007)	Contact through counsel for Apple Inc.
Mark Bentley	Senior Director, Human Resources (2006 – present) Manager, Corporate Executive Recruiting (2004 – 2006)	Contact through counsel for Apple Inc.
Danielle Lambert	Vice President, Human Resources (2005 – 2009) Vice President, Recruiting (2004 – 2005)	Contact through counsel for Apple Inc.



1 **INTERROGATORY NO. 2**

2 Of the persons identified in response to Interrogatory No. 1, identify all persons who have  
3 substantial knowledge of corporate decisions regarding agreements or discussions about  
4 agreements.

5 **RESPONSE TO INTERROGATORY NO. 2**

6 Apple incorporates by reference as if set forth herein the General Objections stated above.  
7 Apple further objects to this interrogatory as overly broad, unduly burdensome, and to the extent  
8 it seeks information that is not relevant to the subject matter of this lawsuit or not reasonably  
9 calculated to lead to the discovery of admissible evidence. Apple further objects to the term  
10 “agreements” as vague, ambiguous, and overly broad, and to the extent that it calls for a legal  
11 conclusion and assumes facts not in evidence. Apple further objects to the terms “corporate  
12 decisions” and “substantial knowledge” as vague and ambiguous.

13 Subject to and without waiving these specific objections and the above-stated General  
14 Objections, Apple responds by incorporating its response to Interrogatory No. 1.

15 **INTERROGATORY NO. 3**

16 In order of corporate seniority, identify all your employees not identified in response to  
17 Interrogatory Nos. 1 and 2 who have known about agreements or discussions about agreements.

18 **RESPONSE TO INTERROGATORY NO. 3**

19 Apple incorporates by reference as if set forth herein the General Objections stated above.  
20 Apple further objects to this interrogatory as overly broad, unduly burdensome, and to the extent  
21 it seeks information that is not relevant to the subject matter of this lawsuit or not reasonably  
22 calculated to lead to the discovery of admissible evidence. Apple further objects to the term  
23 “agreements” as vague, ambiguous, and overly broad, and to the extent that it calls for a legal  
24 conclusion and assumes facts not in evidence. Apple further objects to the phrase “in order of  
25 corporate seniority” as vague and ambiguous, and to the extent that seniority is not subject to  
26 exact ordering and may change over time. Apple further objects to the phrase “known about” as  
27 overly broad and unduly burdensome to the extent that Apple cannot identify each of its  
28 thousands of employees who may have had some knowledge of “agreements” or of other

employees' "discussions of agreements" during the more than eight years between January 1, 2004 and the present.

Subject to and without waiving these specific objections and the above-stated General Objections, Apple responds by identifying the following current and former Apple employees who, based on investigation to date, which has not included investigation into all of the numerous recruiters that Apple has used from 2004 through the present, may have knowledge responsive to this interrogatory:

Name	Job Title(s) at Apple, from 2004 to the present	Contact Information
Tim Larson	Director, Wellness (September 2007 – present)  Director, G&A HR (July 2006 – September 2007)  Director, Operations HR (February 2006 – July 2006)  Director, Sales HR (2004 – February 2006)	Contact through counsel for Apple Inc.
Scott Gilfoil	Corporate Staffing Director for University Relations, Diversity, Hardware, iPod and iPhone, Staffing Research, Staffing Operations, and Software/Applications (2007 – May 2011)  Manager, Corporate Recruiting (2004 – 2007)	To be provided.
Cheline Jaidar	Staffing Manager for Special Projects, including Industrial Design, Marketing Communications, and Creative Arts Professionals (2004 – present)	Contact through counsel for Apple Inc.
Ann Reeves	Manager, Corporate Staffing (February 2011 – present)  Corporate Staffing Director for Sales, Operations, G&A, Marketing, and Call Center (July 2007 – February 2011)  Manager, Corporate Staffing (2004 – July 2007)	Contact through counsel for Apple Inc.



1	David Alvarez	Staffing Research Manager (2007 – present)	Contact through counsel for Apple Inc.
2			
3	Darrin Baja	Hardware Staffing Manager (2007 – present)	Contact through counsel for Apple Inc.
4		Corporate Recruiting Manager (November 2005 – 2007)	
5		Recruiter, Corporate Staffing (2004 – November 2005)	
6			
7	Rich Bechtel	Corporate Staffing Director for SWAT executive recruiting group (June 2009 – present)	Contact through counsel for Apple Inc.
8		Executive Recruiter (2004 – June 2009)	
9			
10	Patrick Burke	iPod/iPhone Engineering Staffing Manager (November 2005 – March 2011)	To be provided.
11			
12	Kim Felch	Software Staffing Manager (April 2009 – present)	Contact through counsel for Apple Inc.
13		Corporate Recruiting Manager (2006 – April 2009)	
14			
15	Julie Gaither	Corporate Recruiter (December 2011 – present)	Contact through counsel for Apple Inc.
16		Recruiting Manager / Sales Staffing Manager (2008 – December 2011)	
17		Corporate Recruiter (2006 – 2008)	
18			
19			
20	Benjamin Lee	Program Manager, Singapore HR (March 2011 – present).	Contact through counsel for Apple Inc.
21		Program Manager, Corporate Staffing (2008 – March 2011)	
22		Retail Store Asst. Manager (October 2005 – 2008)	
23		Retail Store employee (2004 – October 2005)	
24			
25	Peg Louie	Applications Staffing Manager (2004 – May 2011)	To be provided.
26			
27	Denise McCarney	Staffing Operations Manager (August 2008 – present)	Contact through counsel for Apple Inc.
28			

**INTERROGATORY NO. 4**

Of the persons identified in response to Interrogatory No. 3, identify those who have substantial knowledge regarding corporate decisions relating to agreements or discussions about agreements.

**RESPONSE TO INTERROGATORY NO. 4**

Apple incorporates by reference as if set forth herein the General Objections stated above. Apple further objects to this interrogatory as overly broad, unduly burdensome, and to the extent it seeks information that is not relevant to the subject matter of this lawsuit or not reasonably calculated to lead to the discovery of admissible evidence. Apple further objects to the term “agreements” as vague, ambiguous, and overly broad, and to the extent that it calls for a legal conclusion and assumes facts not in evidence. Apple further objects to the terms “corporate decisions” and “substantial knowledge” as vague and ambiguous.

Subject to and without waiving these specific objections and the above-stated General Objections, Apple responds that it is not aware that any persons identified in its response to Interrogatory No. 3 have substantial knowledge regarding corporate decisions relating to agreements or discussions about agreements. Apple refers to its response to Interrogatory No. 2.

**INTERROGATORY NO. 5**

Identify your executives, employees, or agents who participated in multilateral meetings or communications with competitors in which agreements or discussions about agreements occurred.

**RESPONSE TO INTERROGATORY NO. 5**

Apple incorporates by reference as if set forth herein the General Objections stated above. Apple further objects to the term “agreements” as vague, ambiguous, and overly broad, and to the extent that it calls for a legal conclusion and assumes facts not in evidence.

Subject to and without waiving these specific objections and the above-stated General Objections, Apple responds that it is not aware of any individuals responsive to this interrogatory or any such multilateral meetings or communications.

**INTERROGATORY NO. 6**

Of the persons identified in response to Interrogatory No. 5 above, identify those who have substantial knowledge regarding the substance of the agreements or discussions about agreements.

**RESPONSE TO INTERROGATORY NO. 6**

Apple incorporates by reference as if set forth herein the General Objections stated above. Apple further objects to the term “agreements” as vague, ambiguous, and overly broad, and to the extent that it calls for a legal conclusion and assumes facts not in evidence. Apple further objects to the term “substantial knowledge” as vague and ambiguous.

Subject to and without waiving these specific objections and the above-stated General Objections, Apple responds by incorporating its response to Interrogatory No. 5.

**INTERROGATORY NO. 7**

Identify your executives, employees, or agents who participated in bilateral meetings or communications with competitors about agreements.

**RESPONSE TO INTERROGATORY NO. 7**

Apple incorporates by reference as if set forth herein the General Objections stated above. Apple further objects to this interrogatory as overly broad, unduly burdensome, and to the extent it seeks information that is not relevant to the subject matter of this lawsuit or not reasonably calculated to lead to the discovery of admissible evidence. Apple further objects to the term “agreements” as vague, ambiguous, and overly broad, and to the extent that it calls for a legal conclusion and assumes facts not in evidence. Apple further objects to the term “competitors” as vague, ambiguous, overly broad, and unduly burdensome.

Subject to and without waiving these specific objections and the above-stated General Objections, Apple responds as follows:

Name	Job Title(s) at Apple, from 2004 to the present	Contact Information
Steve Jobs	Chief Executive Officer and Director (2004 – August 2011)	

Danielle Lambert	Vice President, Human Resources (2005 – 2009) Vice President, Recruiting (2004 – 2005)	Contact through counsel for Apple Inc.
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#### **INTERROGATORY NO. 8**

Of the persons identified in response to Interrogatory No. 7 above, identify those who have substantial knowledge regarding the substance of the bilateral meetings and communications with competitors.

#### **RESPONSE TO INTERROGATORY NO. 8**

Apple incorporates by reference as if set forth herein the General Objections stated above. Apple further objects to this interrogatory as overly broad, unduly burdensome, and to the extent it seeks information that is not relevant to the subject matter of this lawsuit or not reasonably calculated to lead to the discovery of admissible evidence. Apple further objects to the term “agreements” as vague, ambiguous, and overly broad, and to the extent that it calls for a legal conclusion and assumes facts not in evidence. Apple further objects to the term “competitors” as vague, ambiguous, overly broad, and unduly burdensome. Apple further objects to the term “substantial knowledge” as vague and ambiguous.

Subject to and without waiving these specific objections and the above-stated General Objections, Apple responds by incorporating its response to Interrogatory No. 7.

#### **INTERROGATORY NO. 9**

Identify your employees who were involved in implementing, policing, or enforcing the discussions or agreements, or who have substantial knowledge of the implementation, policing, or enforcement of agreements or discussions.

#### **RESPONSE TO INTERROGATORY NO. 9**

Apple incorporates by reference as if set forth herein the General Objections stated above. Apple further objects to this interrogatory as overly broad, unduly burdensome, and to the extent it seeks information that is not relevant to the subject matter of this lawsuit or not reasonably calculated to lead to the discovery of admissible evidence. Apple further objects to the term

“agreements” as vague, ambiguous, and overly broad, and to the extent that it calls for a legal conclusion and assumes facts not in evidence. Apple further objects to the terms “implementing,” “implementation,” “policing,” “enforcing,” “enforcement,” and “substantial knowledge” as vague and ambiguous.

Subject to and without waiving these specific objections and the above-stated General Objections, Apple responds by identifying the following current and former Apple employees who, based on investigation to date, may have involvement or knowledge responsive to this interrogatory:

Name	Job Title(s) at Apple, from 2004 to the present	Contact Information
Tim Cook	CEO (August 2011 – present) Chief Operating Officer (2007– August 2011) Senior VP, Worldwide Sales and Operations (2004 – 2007)	Contact through counsel for Apple Inc.
Steve Jobs	Chief Executive Officer and Director (2004 – August 2011)	
Tom Moyer	Chief Compliance Officer (2010 – present) Director, Employment Law (2007 – 2010) Director, Real Estate Law (2006 – 2007)	Contact through counsel for Apple Inc.
Mark Bentley	Senior Director, Human Resources (2006 – present) Manager, Corporate Executive Recruiting (2004 – 2006)	Contact through counsel for Apple Inc.
Danielle Lambert	Vice President, Human Resources (2005 – 2009) Vice President, Recruiting (2004 – 2005)	Contact through counsel for Apple Inc.

1 2 3 4 5 6	Tim Larson	Director, Wellness (September 2007 – present) Director, G&A HR (July 2006 – September 2007) Director, Operations HR (February 2006 – July 2006) Director, Sales HR (2004 – February 2006)	Contact through counsel for Apple Inc.
7 8 9 10 11	Scott Gilfoil	Corporate Staffing Director for University Relations, Diversity, Hardware, iPod and iPhone, Staffing Research, Staffing Operations, and Software/Applications (2007 – May 2011) Manager, Corporate Recruiting (2004 – 2007)	To be provided.
12 13 14	Cheline Jaidar	Staffing Manager for Special Projects, including Industrial Design, Marketing Communications, and Creative Arts Professionals (2004 – present)	Contact through counsel for Apple Inc.
15 16 17 18 19	Ann Reeves	Manager, Corporate Staffing (February 2011 – present) Corporate Staffing Director for Sales, Operations, G&A, Marketing, and Call Center (July 2007 – February 2011) Manager, Corporate Staffing (2004 – July 2007)	Contact through counsel for Apple Inc.
20 21	David Alvarez	Staffing Research Manager (2007 – present)	Contact through counsel for Apple Inc.
22 23 24 25	Darrin Baja	Hardware Staffing Manager (2007 – present) Corporate Recruiting Manager (November 2005 – 2007) Recruiter, Corporate Staffing (2004 – November 2005)	Contact through counsel for Apple Inc.



1	Rich Bechtel	Corporate Staffing Director for SWAT executive recruiting group (June 2009 – present)  Executive Recruiter (2004 – June 2009)	Contact through counsel for Apple Inc.
2	Patrick Burke	iPod/iPhone Engineering Staffing Manager (November 2005 – March 2011)	To be provided.
3	Kim Felch	Software Staffing Manager (April 2009 – present)  Corporate Recruiting Manager (2006 – April 2009)	Contact through counsel for Apple Inc.
4	Julie Gaither	Corporate Recruiter (December 2011 – present)  Recruiting Manager / Sales Staffing Manager (2008 – December 2011)  Corporate Recruiter (2006 – 2008)	Contact through counsel for Apple Inc.
5	Benjamin Lee	Program Manager, Singapore HR (March 2011 – present)  Program Manager, Corporate Staffing (2008 – March 2011)  Retail Store Asst. Manager (October 2005 – 2008)  Retail Store employee (2004 – October 2005)	Contact through counsel for Apple Inc.
6	Peg Louie	Applications Staffing Manager (2004 – May 2011)	To be provided.
7	Denise McCarney	Staffing Operations Manager (August 2008 – present)	Contact through counsel for Apple Inc.

#### **INTERROGATORY NO. 10**

Of the persons identified in response to Interrogatory No. 9 above, identify those who have substantial knowledge regarding the implementation, policing, or enforcement of the agreements or discussions.

**RESPONSE TO INTERROGATORY NO. 10**

Apple incorporates by reference as if set forth herein the General Objections stated above. Apple further objects to this interrogatory as overly broad, unduly burdensome, and to the extent it seeks information that is not relevant to the subject matter of this lawsuit or not reasonably calculated to lead to the discovery of admissible evidence. Apple further objects to the term “agreements” as vague, ambiguous, and overly broad, and to the extent that it calls for a legal conclusion and assumes facts not in evidence. Apple further objects to the terms “implementation,” “policing,” “enforcement,” and “substantial knowledge” as vague and ambiguous. Apple further objects to this interrogatory as duplicative of Interrogatory No. 9.

Subject to and without waiving these specific objections and the above-stated General Objections, Apple responds that the individuals identified in response to Interrogatory No. 9 may have knowledge responsive to this interrogatory.

**INTERROGATORY NO. 11**

Identify your employees who have knowledge of the effect(s) of the agreements on the compensation of your employees, or on the compensation of any Co-Conspirator’s employees.

**RESPONSE TO INTERROGATORY NO. 11**

Apple incorporates by reference as if set forth herein the General Objections stated above. Apple further objects to the term “agreements” as vague, ambiguous, and overly broad, and to the extent that it calls for a legal conclusion and assumes facts not in evidence. Apple further objects to the phrase “knowledge of the effect(s)” as vague and ambiguous to the extent that it is unclear whether the interrogatory includes within its scope knowledge of the lack of effect(s) on employee compensation, and as argumentative to the extent that it assumes the existence of some effect—a disputed fact. Apple further objects to the phrase “knowledge of” as overly broad and unduly burdensome to the extent that Apple cannot identify each of its thousands of employees who may have had particular knowledge during the more than eight years between January 1, 2004 and the present. Apple further objects to the term “Co-conspirators,” as vague, ambiguous, and overly broad, and to the extent that it calls for a legal conclusion and assumes facts not in evidence.

1 Subject to and without waiving these specific objections and the above-stated General  
2 Objections, Apple responds that it denies any effect of any agreements on the compensation of its  
3 employees or any other employees. The individuals identified in response to Interrogatory Nos.  
4 1, 3, and 9 may have knowledge of the lack of such effect.

5 **INTERROGATORY NO. 12**

6 Of those persons identified in response to Interrogatory No. 11 above, identify those  
7 employees having substantial knowledge of the effect(s) of the agreements or discussions about  
8 agreements on the compensation of your employees, or on the compensation of any Co-  
9 Conspirator's employees.

10 **RESPONSE TO INTERROGATORY NO. 12**

11 Apple incorporates by reference as if set forth herein the General Objections stated above.  
12 Apple further objects to the term "agreements" as vague, ambiguous, and overly broad, and to the  
13 extent that it calls for a legal conclusion and assumes facts not in evidence. Apple further objects  
14 to the phrase "knowledge of the effect(s)" as vague and ambiguous to the extent that it is unclear  
15 whether the interrogatory includes within its scope knowledge of the lack of effect(s) on  
16 employee compensation, and as argumentative to the extent that it assumes the existence of some  
17 effect—a disputed fact. Apple further objects to the phrase "substantial knowledge" as vague and  
18 ambiguous. Apple further objects to the term "Co-conspirators," as vague, ambiguous, and  
19 overly broad, and to the extent that it calls for a legal conclusion and assumes facts not in  
20 evidence.

21 Subject to and without waiving these specific objections and the above-stated General  
22 Objections, Apple responds by incorporating its response to Interrogatory No. 11.

23 **INTERROGATORY NO. 13**

24 In order of corporate seniority, identify your employees who participated in discussions  
25 with any antitrust regulatory authority regarding agreements or discussions about agreements.

26 **RESPONSE TO INTERROGATORY NO. 13**

27 Apple incorporates by reference as if set forth herein the General Objections stated above.  
28 Apple further objects that this interrogatory seeks information that is not relevant to the subject

matter of this lawsuit nor reasonably calculated to lead to the discovery of admissible evidence. Apple further objects to the term “agreements” as vague, ambiguous, and overly broad, and to the extent that it calls for a legal conclusion and assumes facts not in evidence. Apple further objects to the phrase “in order of corporate seniority” as vague and ambiguous, and to the extent that seniority is not subject to exact ordering and may change over time.

Subject to and without waiving these specific objections and the above-stated General Objections, Apple responds as follows:

Name	Job Title(s) at Apple, from 2004 to the present	Contact Information
Tim Cook	CEO (August 2011 – present) Chief Operating Officer (2007–August 2011) Senior VP, Worldwide Sales and Operations (2004 – 2007)	Contact through counsel for Apple Inc.
Bruce Sewell	General Counsel and Senior Vice President of Legal and Government Affairs (September 2009 – present)	Contact through counsel for Apple Inc.

#### **INTERROGATORY NO. 14**

Of the persons identified in response to Interrogatory No. 13 above, identify all persons who have substantial knowledge of discussions with any antitrust regulatory authority regarding agreements or discussions about agreements.


#### **RESPONSE TO INTERROGATORY NO. 14**

Apple incorporates by reference as if set forth herein the General Objections stated above. Apple further objects that this interrogatory seeks information that is not relevant to the subject matter of this lawsuit nor reasonably calculated to lead to the discovery of admissible evidence. Apple further objects to the term “agreements” as vague, ambiguous, and overly broad, and to the extent that it calls for a legal conclusion and assumes facts not in evidence. Apple further objects to the phrase “substantial knowledge” as vague and ambiguous.

1 Subject to and without waiving these specific objections and the above-stated General  
2 Objections, Apple responds by incorporating its response to Interrogatory No. 13.

3  
4 Dated: March 2, 2012

O'MELVENY & MYERS LLP

5 By:   
6 Christina J. Brown  
7 Attorneys for Defendant  
8 Apple Inc.  
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**CERTIFICATE OF SERVICE**

I hereby certify that on March 2, 2012, I served the foregoing document by email and by first-class mail on the following counsel:

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23 I declare under penalty of perjury under the laws of the United States that the above is  
24 true and correct.

25 Date: March 2, 2012

By: 

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